

REMARKS

On page 2 of the Office Action, the Examiner rejected claim 1 under 35 USC 103(a) as being unpatentable over Sukup (U.S. 3,715,973). For the reasons discussed herein and in view of claim 1 as now presented, Applicant believes that claim 1 is not obvious in view of Sukup and should be allowed.

Sukup discloses a pair of vertical auger conveyors provided in one compartment of a dual compartment storage bin, and a return guide tube in the opposite compartment. A burner at the lower end of each conveyor effects combustion upward along the conveyor walls for heating grain as it moves up each auger conveyor. Raw grain from one compartment enters the lower end of one auger conveyor and is partially heated as it ascends this conveyor, then free-falls through the guide tube to the lower end of the second auger conveyor, and is heated further as it is moved upward in the second conveyor from whence it is discharged to the second compartment. The burners are controlled in response to the temperature of the grain to obtain the desired heating.

The Sukup invention appears to relate an apparatus and process for cooking soybeans and like grains, as indicated at column 1, lines 33 – 39. In the past, a calf was oftentimes set to pasture with its mother and typically grazed on grass. The calf was transferred from pasture to a finish feed lot and fattened to slaughter weight. As mentioned in Applicant's Background of the Invention, the cattle were sometimes implanted with hormones to, for example, accelerate the growth process.

In contrast, Applicant's system as now claimed in claim 1 reduces or eliminates the need for hormones because the calf is transferred directly from the weaning station to the feeding station where the calf is fed cooked feed and thereafter transferred to the slaughter station. In other words, the calf is transferred directly from its mother at the weaning station to the feeding station where it is fed cooked feed, which reduces or eliminates the need for grazing on grass. As mentioned at page 6, paragraph [0024], Applicant has found that the cooked feed rations facilitate reducing or eliminating bacteria from entering the animal and it has been found that the hot-fed feeding of the feeding rations not only sterilizes the food or facilitates sterilizing the food, but also facilitates enabling the calf to improve or increase digestion process to facilitate growth.

As the Examiner correctly recognized, Sukup does not disclose either a weaning station or a slaughter station. Moreover, Sukup fails to disclose that a calf is transferred from its mother to the feeding station after being weaned from its mother, as recited in claim 1. The calf is then fed cooked feed until it achieves a predetermined weight and then transferred to the slaughter station for slaughter.

Sukup, whether taken alone or in combination with any of the other references of record, fails to teach of the system for improving meat quality as now claimed. Indeed, Sukup appears to be consistent with systems in the prior art, which simply heated, for example, soybeans. As mentioned earlier, even the feed lots that used the Sukup device are believed to have utilized grass grazing to fatten the calf to a slaughter weight. Again, Applicant's claim 1 refers to a system that provides a weaning station and a feeding station whereupon the calf is transferred directly from the weaning station to the feeding station at

which the calf is fed cooked feed rations until it achieves a predetermined weight. This reduces or eliminates entirely the need for intervening grass grazing. There is no teaching in Sukup that suggests this feature of Applicant's claim 1.

For all the foregoing reasons and in view of claim 1 as now presented, Applicant believes that claim 1 is not obvious over Sukup and should be allowed.

Claims 2 – 9 are dependent claims and depend directly or indirectly from claim 1 and contain limitations in addition to the limitations of claim 1. For the reasons stated earlier herein relative to the rejection of claim 1, Applicant believes that these claims are also in condition for allowance.

Applicant respectfully traverses the Examiner's comments relative to claims 4 and 5 in that Applicant discussed a benefit of having a consistent slaughter weight with the advantage of the invention in that it facilitates the use of standard case-ready packages because the system produces carcasses and meat cuts that are substantially the same size. This, in turn, means that the butchering process can be mechanized to provide meat cuts of substantially the size from carcass to carcass, as mentioned at paragraph [0026] of Applicant's disclosure. This is neither shown nor taught by Sukup.

Regarding claims 6 and 7, Applicants are not claiming a cutting station alone per se, but rather, a cutting station in combination with the other stations recited in claim 1. Accordingly, Applicant does not believe that any of the references teach of the combination of elements as recited in claim 1 and claim 6, which depends from claim 5 which in turn depends from claim 4, and claim 7 which also recites a packaging station in combination with the other stations recited in claims 6 and 1.

As to claim 9, Applicant can find no teaching in the art or the Examiner's statements relative to modern feed lots weaning the calf after the first day or the concept of reducing the weaning time to three days or less in order to place the calf on a solid food diet. Although it appears that the Examiner is using Applicant's disclosure or hindsight based upon Applicant's disclosure, Applicant respectfully requests the Examiner to provide specific references for support of such statements. Again, Applicant respectfully submits that Sukup fails to teach of weaning or slaughter stations, and it fails to teach of the specific time period or weights (i.e., three days or more or weigh at least 300 pounds) at which to wean the calf from its mother. Moreover, even if the Examiner's statements are taken as true, the resulting combination fails to teach of Applicant's invention as claimed in that it fails to disclose all the references and the feature of Applicant's claim 1 that the calf is weaned from its mother from the weaning station and transferred to the feeding station whereupon it is fed cooked feed.

For all the foregoing reasons and in view of the claims as now presented, Applicant believes that claims 2 – 9, along with claim 1, are in condition for allowance and such allowance is respectfully requested.

If the Examiner feels that this amendment does not place the case in condition for allowance, then Applicants respectfully request an interview with the Examiner prior to the issuance of any further Office Action.

Applicants are filing concurrently herewith a request for a two-month extension of time.

Office Action Mailed 03/23/2005
Amendment Dated August 16, 2005
Examiner Richard Thomas Price, Jr.
Serial No. 10/764,107
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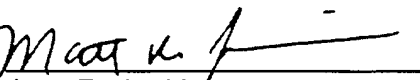
The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1287. Applicants hereby provide a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to Deposit Account No. 50-1287. (Should Deposit Account No. 50-1287 be deficient, please charge any further deficiencies to Deposit Account No. 10-0220).

Applicants invite the Examiner to contact the undersigned via telephone with any questions or comments regarding this case.

Reconsideration and favorable action are respectfully requested.

Respectfully Submitted,

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